

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

L.C. Brown, Jr., #275487,)	
a/k/a L.C. Brown,)	C/A No. 4:08-2446-MBS
)	
Plaintiff,)	
)	
vs.)	
)	O R D E R
Lieutenant Roger Stewart; Ofc. George)	
Goodwin,)	
)	
Defendants.)	
_____)	

Plaintiff L.C. Brown, Jr. is an inmate in custody of the South Carolina Department of Corrections. He currently is housed at the Lieber Correctional Institution in Ridgeville, South Carolina. Plaintiff, proceeding pro se, filed the within complaint on July 9, 2008 pursuant to 42 U.S.C. § 1983, asserting that his constitutional rights had been violated in various respects.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Thomas E. Rogers, III for pretrial handling. On June 12, 2009, the Magistrate Judge issued a Report and Recommendation in which he noted that despite being granted extensions of time, Plaintiff had failed to respond to a motion for summary judgment filed by Defendants on February 13, 2009. Accordingly, the Magistrate Judge recommended that the within action be dismissed pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute. Plaintiff filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo

determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The within action is dismissed *with prejudice* pursuant to Rule 41(b) for failure to prosecute.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

July 7, 2009

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.